STATUTORY RULES OF NORTHERN IRELAND

2006 No. 18

AGRICULTURE

The Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*25th January 2006*
Coming into operation	*16th February 2006*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred by sections 66(1), 74A, 77(4), 78(6) and 84 of the Agriculture Act 1970(**2**) (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000(**3**)).

In so far as these Regulations cannot be made under the powers in the Agriculture Act specified above, The Department of Health, Social Services and Public Safety makes these Regulations in exercise of its powers as a department designated(**4**) for the purposes of section 2(2) of the European Communities Act 1972(**5**) in relation to the common agricultural policy of the European Community(**6**) and measures in the veterinary and phytosanitary fields for the protection of public health.

There has been consultation in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or as appropriate by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**7**).

Citation and commencement

1. These Regulations may be cited as the Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 16th February 2006.

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1), Article 3
(**2**) 1970 c. 40; Section 66(1) contains definitions of the expressions "prescribed" and "regulations"; 74A was inserted by the European Communities Act 1972 (1972 c. 68.), Schedule 4, paragraph 6
(**3**) S.R. 2000 No. 78
(**4**) S.I. 2000/2812 in relation to the common agricultural policy and S.I. 1999/2027 in relation to measures in the veterinary and phytosanitary fields for the protection of public health
(**5**) 1972 c. 68
(**6**) S.I. 2000/2812
(**7**) O.J. No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, P.4)

Amendments to the Feeding Stuffs Regulations (Northern Ireland) 2005

2.—(1) In Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs Regulations (Northern Ireland) 2005(**8**), Chapter A is amended in accordance with paragraphs (2) to (4).

(2) In relation to the entries for fluorine—

(a) for the expression "Mineral mixtures for cattle, sheep and goats" in column 2 substitute the expression "Complementary feeding stuffs containing 4% phosphorous or less" and opposite that expression, in column 3 for the figure "2000" substitute "500";

(b) for the expression "Other complementary feeding stuffs" in column 2 substitute the expression "Complementary feeding stuffs containing more than 4% phosphorous" and opposite that expression, in column 3 for the expression "(fluorine content per percentage point phosphorous in the feeding stuff)" substitute "per 1% phosphorous".

(3) In relation to the entries for lead, for the expression "grass meal, lucerne meal or clover meal" in column 2 substitute the expression "green fodder (including products such as hay, silage, fresh grass, etc)".

(4) In relation to the entries for mercury, after the entry "–feed materials produced by the processing of fish or other marine animals" in column 2 insert the entry "–calcium carbonate" and opposite that entry, in column 3 insert the figure "0.3".

Amendments to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999

3.—(1) The Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999(**9**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1 (Citation, commencement and interpretation), at the end of the definition of Directive 2002/70/EC add the expression "as amended by Commission Directive 2005/7/EC(**10**)".

(3) In regulation 5, for paragraph (4) substitute the following —

"(4) Where a sample of a feeding stuff is to be analysed pursuant to —

(a) section 75(1) (sample analysed at the request of the purchaser) of the Act, or

(b) section 78(1) (further analysis by the Chief Agricultural Analyst) of the Act in so far as that sub-section does not relate to official controls,

and neither paragraph (1) nor (3) applies, the analysis shall be carried out in the like manner as that prescribed by Article 11(1)(a) or as appropriate (b) of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules(**11**).".

(4) In Schedule 2 Part I (general provisions), after paragraph 3 add the following paragraph —

"**Assessment of compliance in analysis for undesirable substances**

(a) Subject to paragraph (c), in the case of analysis to detect the presence of one or more of the undesirable substances listed in Schedule 5 to the Feeding Stuffs Regulations (Northern Ireland) 2005 ("the Schedule"), a feeding stuff which has been sampled and analysed in accordance with these Regulations does not comply with the relevant prescribed limit

(**8**) S.R. 2005 No. 545
(**9**) S.R. 1999 No. 296, as amended by S.R. 2001 No. 209, S.R. 2002 No. 263, S.R. 2003 No.287 and S.R. 2004 No. 345 and S.R. 2005 No. 545
(**10**) O.J. No. L27, 29.1.2005, p.41
(**11**) O.J. No. L191, 28.5.2004, p.1